

IPW

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
3753

In Re Application Of: **CLAUSS, S., ET AL**

Application No.

10/590,257

Filing Date

08/22/2006

Examiner

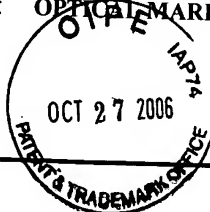
Customer No.

278

Group Art Unit

Confirmation No.

Title: **OPTICAL MARKING DEVICE**



Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
3753

In Re Application of: **CLAUSS, S., ET AL**

Application No. 10/590,257	Filing Date 08/22/2006	Examiner	Customer No. 278	Group Art Unit	Confirmation No.
-------------------------------	---------------------------	----------	---------------------	----------------	------------------

Title: **OPTICAL MARKING DEVICE**



Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

10/17/2006

(Date)

Signature of Person Mailing Correspondence

MICHAEL J. STRIKER

Typed or Printed Name of Person Mailing Certificate

***This certificate may only be used if paying by deposit account.**

Signature

Dated: 10/17/2006

cc:



UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:.

Group:

Attorney Docket # 3753

Applicant(s): CLAUSS, S., ET AL

Serial No.: 10/590,257

Filed: 08/22/2006

For: OPTICAL MARKING DEVICE

INFORMATION DISCLOSURE STATEMENT

October 17, 2006

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

S I R S:

 X In accordance with the Duty of Disclosure, Applicant(s) submit(s) herewith a copy of Foreign Search Report in a counterpart application and copies of the reference(s) indicated therein.

 X In the event that the Foreign Search Report is in a foreign language, a translation thereof is herewith submitted.

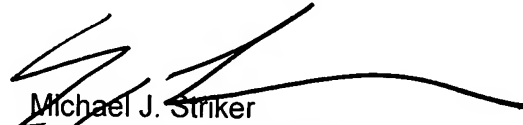
 X Attached hereto is a FORM PTO 1449 listing the references.

 Attached hereto is a copy of a reference cited in the specification of the application as filed. The specification itself recites the relevance of these documents, and pursuant to M.P.E.P. Section 609 A (3) this represents an acceptable Statement of Relevancy. The reference(s) appear(s) at the following page(s) and line(s) of the specification:

 Applicant petitions for consideration of this Information Disclosure Statement since it is being submitted after receipt of an office action. It is respectfully requested that the required fee be charged to the account of the undersigned: 19-4675.

- ☐ Attached hereto are copies of references cited which may be pertinent to this application. Since the references are in the English language, no statement of relevancy is submitted.
- ☒ Attached hereto is a copy of the Office Action issued in the corresponding German and European applications, together with a translation thereof and copies of the references cited therein. A list of the cited references is also attached.
- ☐ Attached hereto copies of references cited which may be pertinent to this application. An English translation of the reference is also attached.
- ☐ Attached hereto is a Statement of Relevancy and copies of references cited therein.
- ☒ Relevancy is indicated in an English language abstract or an English language equivalent attached hereto.

Respectfully submitted,


Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233

October 5, 2006

DECLARATION

The undersigned, Dana Scruggs, having an office at 8902B Otis Avenue, Suite 204B, Indianapolis, Indiana 46216, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of US Patent Application, Ser. No. 10/590,257 (INV.: CLAUSS, S., ET AL).

The undersigned further declares that the above statement is true; and further, that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

A handwritten signature in black ink, appearing to read "Dana Scruggs", with a stylized flourish at the end.

Dana Scruggs

The following references are named for the first time in this office action. (The numbering used below shall apply from this point forward):

- 1) DE 94 19 155 U1
- 2) DE 297 24 806 U1
- 3) DE 692 23 634 T2

The examination procedure is based on Claims 1 through 11, received on August 17, 2004.

Made known in publication 1, Figures 1, 3 in particular, with the related text, is a device with a light source and means for generating a first optical projection line on a reference surface, and a further projection line, which forms an angle of 45° with the first projection line.

In addition, extending projection lines in a plane is made known in publication 2), Figure 1.

Based on this related art, one skilled in the art arrives at the object of Claim 1, without any inventive activity. Claim 1 is therefore not allowable, due to lack of inventive activity.

Claims 2 through 7 contain – to the extent this is apparent – only features that apply to the embodiment of Claim 1 and which have no bearing on patentability, because they are accessible to one skilled in the art, without any inventive activity.

Claim 8 relates to an instrument with a device as recited in Claim 1.

Instruments with laser devices for marking are made known in publications 1) and 3).

Claim 8 is therefore not allowable, either, due to lack of novelty of its subject.

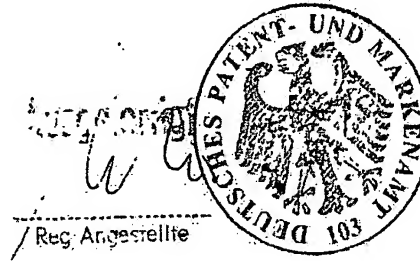
Claims 9 through 11 relate only – to the extent this is apparent – simple design refinements of the object of Claim 8, which do not appear to have any patentable qualities.

A patent will not be granted based on the documents submitted for the patent

application. If the application is pursued further using the current claims, or claims that contain essentially the same content, the application will be rejected.

Examiner for Class G01C

Richter



Attachments: 3 references

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Docket Number (Optional)

3753

Application Number

10/590,257

Applicant(s)

CLAUSS, S., ET AL

Filing Date

08/22/2006

Group Art Unit

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,282,028	08/28/2001	WAIBEL ET AL		
		5,144,487	09/01/1992	HERSEY		

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		94 19 155.7	02/23/1995	DE				✓
		297 24 806	04/15/2004	DE				✓
		692 23 634	07/16/1998	DE (ENGLISH ABSTRACT)			✓	
		0 981 037	02/23/2000	EP (ENGLISH ABSTRACT)			✓	
		90 02 760.4	07/04/1991	DE				✓

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

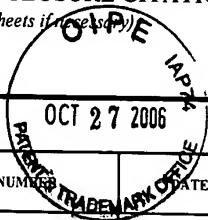
EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (Optional)

3753

Application Number

10/590,257

Applicant(s)

CLAUSS, S., ET AL

Filing Date

08/22/2006

Group Art Unit

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		297 16 316	11/13/1997	DE				✓
		0 785 412	07/23/1997	EP (ENGLISH ABSTRACT)			✓	
		199 29 436	01/11/2001	DE 9ENGLISH ABSTRACT)			✓	

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.